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Attorney Docket Number 0550862-0016

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM FOR AND METHOD OF AUTOMATICALLY MIGRATING DATA AMONG MULTIPLE LEGACY APPLICATIONS AND ACCESSIBLE STORAGE FORMATS

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

___ is attached hereto

X was filed on March 23, 2001 as Application Serial No. 09/815,805 and amended on _____ (if applicable).

___ was filed as PCT international application No. _____, on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year/Filed)	Yes	No
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_____ (Number)	_____ (Country)	_____ (Day/Month/Year/Filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(filing date)

(status-patented, pending, abandoned)

PCT Applications designating the United States:

(PCT Appl. No.)

(U.S.S.N.)

(status-patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

(Application Serial No.)

(filing date)

(status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

1) Full name of first inventor: Neil Hickey

Inventor's signature: *Neil Hickey* Date: 6/8/01

Residence: Golden, CO

Citizenship: USA

Post Office Address: 4599 Fig Street

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Attorney Docket No.: 0550862-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hickey, Neil	Examiner:	
Serial No.:	09/815,805	Art Unit:	2152
Filing Date:	March 23, 2001		
Title:	SYSTEM FOR AND METHOD OF AUTOMATICALLY MIGRATING DATA AMONG MULTIPLE LEGACY APPLICATIONS AND ACCESSIBLE STORAGE FORMATS		

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints Brenda Herschbach Jarrell, Registration No. 39,223; Sam Pasternack, Registration No. 29,576; Kevin M. Tormey, Registration No. 41,351; Karoline K.M. Shair, Registration No. 44,332; Elizabeth E. Nugent, Registration No. 43,839; Anne-Marie Dinius, Registration No. 45,592; Valarie B. Rosen, Registration No. 45,698; Stanley C. Mah, Registration No. 46,189; C. Hunter Baker, Registration No. 46,533; Monica Gerber, Registration No. 46,724, Elijah Cocks, Registration No. 47,499, and Mika Mayer, Registration No. 47,777 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to John A. Hamilton, Choate, Hall & Stewart,
Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

Name:

Title:

Date:

by submitted,
Robert W Anthony
Robert W. Anthony
President & CEO
6/8/01



ATTORNEY DOCKET NO.: 0550862-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hickey, Neil

Examiner:

Serial No.: 09/815,805

Art Unit: 2152

Filing Date: March 23, 2001

Title: SYSTEM FOR AND METHOD OF AUTOMATICALLY MIGRATING DATA AMONG
MULTIPLE LEGACY APPLICATIONS AND ACCESSIBLE STORAGE FORMATS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

WRITTEN ASSERTION OF SMALL ENTITY STATUS
UNDER 37 CFR §1.27(a)(2)
SMALL BUSINESS CONCERN

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of Orchid Systems, Inc..

This assertion is made on the ground that Orchid Systems, Inc. is a concern

(a) whose number of employees, including affiliates, does not exceed 500 persons; and

(b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27,

as set forth in 13 CFR §121.802.

Respectfully Submitted,

Name:

Title:

Date:

Robert Anthony
Robert Anthony
President & CEO
6/8/01

CHOATE, HALL & STEWART
53 State Street
Exchange Place
Boston, MA 02109
Phone: (617) 248-5000
Fax: (617) 248-4000

Attorney Docket No.: 0550862-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hickey, Neil

Examiner:

Serial No.: 09/815,805

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MIGRATING DATA AMONG MULTIPLE LEGACY
APPLICATIONS AND ACCESSIBLE STORAGE FORMATS

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION (37 CFR 3.73(b))

The assignee of the entire right, title and interest, **Orchid Systems, Inc.** hereby seeks to take action in the Patent and Trademark Office in the above matter.

Ownership by the assignee is established as follows:

_____ documents already recorded in the PTO on _____.

Reel _____ Frame _____; and

Reel _____ Frame _____

 x documents separately submitted for recordal to the PTO (a copy of these documents is attached).

STATEMENT

I, a person authorized to sign on behalf of the assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as assignee who seeks to take further action.

Robert Anthony
Signature

Robert ANTHONY
Name

President & CEO
Title

6/8/01
Date

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Neil Hickey**, hereby

Sell, assign and transfer to **Orchid Systems, Inc.**, a Massachusetts corporation, having a place of business at **103 Old Colony Road, Wellesley, MA 02181**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed **March 23, 2001** and entitled **"System for and Method of Automatically Migrating Data Among Multiple Legacy Applications and Accessible Storage Formats"** application serial no. 09/815,805 (attorney docket no. 0550862-0016) and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that full right to convey the same as herein expressed is possessed by us.

Dated: 6/8/01
Dated: 6/8/01
Dated: 6/8/01

Neil Hickey
Neil Hickey

Robert W. Anthony
Witnessed by:

Douglas M. Olan
Witnessed by:

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